

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:**

B-219748

**DATE:** September 19, 1985

**MATTER OF:**

Gunnison County Communication Inc.

**DIGEST:**

1. Protest is untimely where protest that specifications are deficient is filed with GAO after bid opening.
2. Where protester alleges awardee's equipment is deficient because it will not meet agency's future needs but where the equipment actually meets the requirements in the solicitation as written, protester has not shown awardee's equipment to be nonresponsive.

Gunnison County Communication Inc. (GCC) protests the award of a contract to Westcom, Inc., by the Department of Agriculture's Forest Service under invitation for bids No. R2-4-85-4795, for telephone system installation and maintenance.

We dismiss the protest in part and deny it in part.

GCC alleges that the bid specifications are insufficient for the Forest Service's needs. In addition, GCC argues that Westcom's proposed equipment, a Mitel SX-20 system, would not meet the Forest Service's future needs, whereas the equipment which GCC bid, a Mitel SX 100 system, can easily handle future expansion in the Forest Service's usage.

Our Bid Protest Regulations require that protests based on alleged improprieties in a solicitation must be filed prior to bid opening. 4 C.F.R. § 21.2(a)(1) (1985). Since bid opening was held on June 25, 1985, and GCC's protest of the inadequacy of the specifications was not filed in our Office until July 29, 1985, this aspect of GCC's protest is untimely and will not be considered by this Office.

Insofar as GCC's protest may be construed as also alleging that Westcom's equipment is inadequate and therefore nonresponsive, we point out that this perceived

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inadequacy is unrelated to the actual requirements of the solicitation. The Forest Service reports that the Mitel SX-20 system offered by Westcom meets the specification requirements and GCC does not challenge that finding. Rather, GCC merely feels that Westcom's equipment is not appropriate for the Forest Service's future needs.

Bid responsiveness requires an unequivocal offer to provide, without exception, exactly what is required at a firm-fixed price. Medi-Car of Alachua County, B-205634, May 7, 1982, 82-1 C.P.D. ¶ 439. Since GCC does not allege that Westcom's equipment did not meet the specifications as written, we agree with the agency's determination that Westcom was responsive.

*for* *Simon Efron*  
Harry R. Van Cleve  
General Counsel